




**City Of San Diego
COUNCILMEMBER JIM MADAFFER
DISTRICT SEVEN**

M E M O R A N D U M

M-03-11-04 **Please refer to this number when responding to this memo**

DATE: **December 4, 2003**

TO: **City Manager Michael Uberuaga
City Attorney Casey Gwinn**

FROM: **Councilmember Jim Madaffer** 

SUBJECT: **Recommendations on Brush Management, Defensible Space and
Construction Standards**

This memo serves as a follow up to your Manager's Report addressing the Initial 30-day Post-Fire Overview. As we have discussed, this memo has been written for sometime, but per our conversations we delayed distributing it until after the issuance of your report of December 3, 2003. I was very pleased with your report and the many suggestions it contains. It was a clear and honest assessment of where we are and what needs to be done.

We have been contacted by numerous people about the difficulties they have had with current policies and also by many with suggestions on how to improve them. We also made a request to the League of California Cities about other cities' policies and laws relating to brush management and construction standards and as a result, received many examples of more effective ordinances (see attached).

I place a great deal of importance on making effectual changes, rather than merely reactionary. At the same time, it is essential that the City act on these issues in an extremely time-efficient manner for the safety of our residents. People may soon pull new permits and it's imperative to not allow a repeat of past building practices in fire prone areas.

For the reasons above, I am asking that the City Manager and City Attorney return to Council with suggested language to the municipal code that in some instances goes several steps further than the recommendations outlined in your report.

1. Requiring Class A roofs on all new construction;
2. Requiring shake shingle roofs be replaced with Class A roofs within 25 years from date of adoption;
3. Requiring replacement of shake shingle roofs when repairs of over 25% are made of the existing building or structure's wood exterior wall covering;
4. Waiving any building fees when shake shingle roofs are replaced;
5. Prohibiting wood or combustible sidings on new construction adjacent to open space areas; and
6. Prohibiting wood fences along areas adjacent to fire prone areas; and
7. Increased brush clearing areas for defensible space.

I would also request that public input be taken into consideration after these recommendations come forward. Following are some of the suggestions I have received thus far:

Brush Management

Residents expect to be allowed to maintain clear area of defensible space from their properties. I understand the balance trying to be reached between erosion controls and the clearing of fire-prone plants or the planting of fire-retardant vegetation. I also realize there is a cost associated with brush management near people's homes, but the resulting cost of a fire tearing through neighborhoods is much greater and much more damaging. With that said, there are many residents willing to clear brush immediately surrounding their homes on their own. I feel it is very important that we provide them with the legal ability and clear direction to do so immediately. This must be taken from a common-sense approach and if necessary, I would suggest recommendations from fire and safety officials to take priority over that of the Open Space and Development Services staff.

I have read the City's Guide to Environmentally Sensitive Erosion Control to Canyons and Hillsides and am concerned that the current brush policy is much more restrictive than need be, especially when taking into consideration the on-going fire threat in this region. There are also policies that contradict one another. For example, eucalyptus trees are prohibited for planting in this guide, yet they are protected by community open space policies even though they are considered by many to be a fire hazard. While the fires were significant, what should not be lost on this are the many more areas that did not burn and are still subject to threatening conditions.

I suggest looking at other jurisdictions that have already gone through the process of collecting community input and meeting with stakeholders that is necessary when adopting updated policies. Attached, as an example, is the County of San Diego's Consolidated Fire Code with marked pages for your consideration.

Construction Standards and Repairs

This is another area in which the City of San Diego is behind the times in updating policies that could better protect the public from fires. Per the League of Cities, one mechanism for regulating construction materials is to adopt standards more stringent than the uniform

Page 3
Councilmember Jim Madaffer
December 4, 2003

building code. In their opinion, the City would have to find that the local topographic, geological and other factors justify a deviation from the basic standard. I have attached a summary of regulations adopted by cities around the state addressing the construction issue of roof requirements.

I am particularly interested in the City of Burbank, where they specifically disallow wood shake shingles on new roofs and exterior walls. Updating the municipal code to require Class A roofs on all new construction within the City, and for all roof repairs that constitute over 25% of the existing building or structure's wood exterior wall covering is something we should consider at minimum. Again, it is my understanding the County of San Diego follows similar requirements. Conformity with other jurisdictions would both better protect the public and eliminate inconsistencies between jurisdictions that make it difficult for residents and businesses to comply.

Further, I think it important to consider incentives to encourage residents to replace shake roofs. I encourage working with our State legislative delegation, to achieve the most comprehensive and optimum incentives possible. Replacement of roofs not only protects the homeowner, but their neighbors as well. Again, I point to the City of Burbank requirements to replace all shake roofs within 25 years of the adopted ordinance, which passed in 1994.

Finally, I noticed a "Mountain Fire Zone" listed in Burbank's ordinance. I would like to hear input from City staff (i.e. Fire Department, Development Services, etc.) on the effects, pro and con, for zoning in potential fire areas such as Scripps Ranch, Tierrasanta and San Carlos.

I realize staff is working on an update to the Council about the City's current roofing and brush ordinances. It is my understanding that recommendations for change will not be made for some time. However, many people will be pulling building permits and building homes with the same dangerous construction materials that are prone to burning during a fire. Ordinances need to be changed before permit requests are made.

JM/jb

Attachments

CC: Honorable Mayor and City Councilmembers
Fire Chief Jeff Bowman
Development Services Director Tina Christiansen
City Clerk Chuck Abdelnour